

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

FILED

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

DANNY BITTLE and CAROLYN BITTLE, )  
Plaintiff, )  
v. )  
STATE FARM FIRE AND CASUALTY )  
COMPANY, )  
Defendant. )

No. 3 08 0894  
Judge JUDGE HAYNES  
Magistrate Judge \_\_\_\_\_

NOTICE OF REMOVAL

Defendant State Farm Fire and Casualty Company ("State Farm"), pursuant to 28 U.S.C. §1446(b), respectfully shows the Court:

1. On August 25, 2008, State Farm, through the Tennessee Department of Commerce and Insurance, was served with a summons and complaint in an action entitled *Danny Bittle and Carolyn Bittle v. State Farm Fire and Casualty Company*, instituted August 19, 2008, in the Chancery Court for Rutherford County, Tennessee.<sup>1</sup> A true and accurate copy of the summons and complaint is attached as Exhibit 1.

2. The case stated by the complaint served upon State Farm is removable to this Court pursuant to 28 U.S.C. §1441 in that Plaintiffs, at the time this action was commenced, were and still are residents of Smyrna, Rutherford County, Tennessee. State Farm, at the time

<sup>1</sup> The caption in the complaint states "Circuit Court for Rutherford County," but the complaint was actually filed in Chancery Court.

this action was commenced, was and still is a mutual insurance company organized under the laws of the State of Illinois with its principal place of business in Bloomington, Illinois.

3. The above-described action is a civil action of which this Court has original jurisdiction pursuant to the provisions of 28 U.S.C. §1332 and is one which may be removed to this Court by State Farm pursuant to the provisions of 28 U.S.C. §1441, in that complete diversity of citizenship exists between the parties. Plaintiffs allege in their complaint that they are seeking an unspecified amount in excess of \$25,000. Plaintiffs, however, further allege that they are seeking the full cost of repair or replacement of their property located at 105 Hermitage Drive, Smyrna, Tennessee and an amount equal to 25% of the face amount of Plaintiffs' insurance policy, so that the matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000. Therefore, this Court has original jurisdiction over this action.

WHEREFORE, State Farm gives notice that the above action now pending against it in the Chancery Court for Rutherford County, Tennessee, has been removed therefrom to this Court

DATED this 18th day of September, 2008

Respectfully submitted,

BAKER, DONELSON, BEARMAN, CALDWELL  
& BERKOWITZ, P.C.

By: Brigid M. Carpenter  
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Attorneys for Defendant State Farm Fire and Casualty  
Company

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing Notice of Removal has been served upon the following counsel for the parties in interest herein by first-class U.S. mail, postage pre-paid:

Alan S. Marshall, Esq.  
Marshall Thomas Burnett  
214 West Main Street  
Murfreesboro, Tennessee 37130

this 18<sup>th</sup> day of September, 2008.

  
Brigid M. Carpenter